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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,449	08/26/2003	Jesse D. Crum	WK/4/US	5756

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EXAMINER

RESAN, STEVAN A

ART UNIT PAPER NUMBER

1773

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,449

Applicant(s)

CRUM, JESSE D.

Examiner

Stevan A. Resan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 April 2005 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over over any one of Fischer et al US 3108824, Nelson et al US 3895220, or Kachi et al US 4658125 in view of Blake et al US 3054751.

The examiners position with respect to the cited references remains the same. None of the references Fischer et al , Nelson et al, or Kachi et al detail or limit the magnetic ink used.

However, magnetic inks prepared from ferrite powder, stabilizer (broadly interpreted by the examiner to mean a component that stabilizes the particles in suspension such as an emulsifier or coating in the particles, and varnish (broadly interpreted as any polymer) were old in the art at the time of the invention as evidenced by Blake et al (See Col 2 lines 24,30,54-59,example 2). Thus it would have been obvious to one of ordinary skill in the art to select the results effective variables of resins (varnishes) and stabilizers and their amounts in order to optimize the ink for printing with

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a specific printing method and for the substrate used. The thickness of these ink layers is deemed to be in the ranges claimed as previously pointed out and as evidenced by Deetz.

In re Boesch 205 USPQ 215 (CCPA 1980); In re Geisler, 116 F 3d 1465, 43 USPQ 2d 1362, 1365 (Fed Cir. 1997); In re Aller, 220 F. 2d, 454, 456, 105 USPQ 233, 235 (CCPA 1955).

4. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Annenberg US 3758970 in view of Blake et al US 3054751.

Annenberg discloses a business communication piece comprising a substrate having first and second faces, first and second longitudinally extending edges and first and second transversely extending end edges at least one of said first and second faces is capable of receiving variably applied ferromagnetic material provided from a slurry and is also capable of receiving non-ferromagnetic indicia. See Figure 2 ref # 24 inner surface of overlay sheet and Col 3 lines 3-7; Col 5 line 30-48.

No details of the inks used are taught.

However, magnetic inks prepared from ferrite powder, stabilizer (broadly interpreted by the examiner to mean a component that stabilizes the particles in suspension such as an emulsifier or coating in the particles, and varnish (broadly interpreted as any polymer) were old in the art at the time of the invention as evidenced by Blake et al (See Col 2 lines 24,30,54-59, example 2). Thus it would have been obvious to one of ordinary skill in the art to select the results effective variables of resins (varnishes) and stabilizers and their amounts in order to optimize the ink for printing with

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Holm et al is cited for teaching a magnetic recording layer laminated between two non-magnetic surface layers.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stevan A. Resan whose telephone number is 571-272-1513. The examiner can normally be reached on Tues-Thurs from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney, can be reached at 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



STEVAN A. RESAN
PRIMARY EXAMINER